

EXHIBIT 32

RE: INVESTIGATION (ROBBERY AND SHOOTING DEATH OF MAREK MAJDAK)

VIDEO STATEMENT

OF

XAVIER WALKER

taken in an interview room, Area 4 Headquarters, Chicago, Illinois, on May 29, 2000, at 11:43 p.m.

PRESENT: Joanna Leafblad
Assistant State's Attorney

Detective Pietryla
Star No. 21209
Area 4 Violent Crimes

Recorded by: Sandra A. Brennan

MS. LEAFBLAD: Let the record reflect that today is the 29th of May, 2000. We're in an interview room at Area 4 Violent Crimes. Present in the room with me, Assistant State's Attorney Joanna Leafblad, are Detective Pietryla, star number 21209, and Xavier Walker.

We're here to take the statement of Xavier Walker concerning the investigation of the robbery and shooting death of Marek Majdak which occurred on May 13th, 2000, at approximately 1:00 o'clock to 1:14 a.m., at 4721 West Ohio, in Chicago, Cook County, Illinois.

Xavier, before we spoke, I explained that I'm Assistant State's Attorney Joanna Leafblad, that I'm a lawyer and a

prosecutor and I'm not your lawyer, is that correct?

A. Yes, ma'am.

Q. Okay. And before we spoke, I advised you of your constitutional rights, is that correct?

A. Yes, ma'am.

Q. Xavier Walker, I talked to you earlier and you told me about the robbery and shooting of Marek Majdak. And at that time you told me that on the 13th of May, 2000, you were out getting high with Jovanie Long, who you also call Vani. You were ran out of money and decided to go rob people coming to buy drugs on Ohio. Vani had a gun. You were the look-out for Vani, watching his back and watching for police. When a man drove up in a van, Vani got in and held a gun up to that man. You saw a struggle and started toward the van, maybe to hold the man so that Vani could get his money. The man ran out of the van and Vani shot him. Vani took the money out of his pocket and you both ran.

A. Yes, ma'am.

Q. Okay. I'm gonna read you your rights again. Do you understand that you have the right to remain silent?

A. Yes, ma'am.

Q. Do you understand that anything you say can be used against you in a court of law?

A. Yes, ma'am.

Q. Do you understand that you have the right to talk to a lawyer and have him present with you while you are being questioned?

A. Yes, ma'am.

Q. Do you understand if you cannot afford to hire a lawyer and you want one, a lawyer will be appointed by the court to represent you before any questioning?

A. Yes, ma'am.

Q. Understanding these rights, do you wish to talk to us now?

A. Yes, ma'am.

Q. Xavier Walker, I asked you if you would agree to have your statement videotaped, is that correct?

A. Yes, ma'am.

Q. And this is the form you signed agreeing to have your statement videotaped, isn't it?

A. Yes, ma'am.

Q. And the detective and I signed it as well?

A. Yes, ma'am.

Q. Okay. Xavier, on May 13th, 2000, were you out with Vani?

A. Yes, ma'am.

Q. And what were you doing?

A. We was walking around trying to wait for a, a customer or something so we can just give him anything, it's not just money (inaudible).

Q. Okay. But before that, were you doing anything with Jovanie?

A. We were smoking and drinking.

Q. Okay. And when you were smoking and drinking -- you

stopped smoking and drinking at one point, is that right?

A. Yes, ma'am.

Q. And why did you stop?

A. We didn't have no more -- nothing else to drink or nothing else to smoke.

Q. Okay. Did you have any money or anything?

A. No, ma'am.

Q. And when you didn't have any money, did you start talking about doing something?

A. Yeah, we talked about going outside and snatch some money so we can go -- just have some more money.

Q. And what is that called when you snatch money?

A. Hitting a lick.

Q. Okay. And when you, hit a lick, what exactly do you do?

A. Well, we -- me and my friends, we'll just give him anything, some grass or something or some fake, some fake drugs. So we can snatch they money and run.

Q. And you do that to who?

A. Customers that come up, black, white, all type of customers.

Q. People who come to buy drugs?

A. Customers that come to buy drugs.

Q. And have you -- how many times have you done, have you hit a lick before with people?

A. About 30, 40, 50.

Q. Okay. And how many times have you actually gone to hit

a lick with Vani?

A. About two or three times before.

Q. And when you hit a lick with someone, do you switch off being look-outs?

A. Sometime.

Q. And when you were out that night were you being the look-out for Vani?

A. Yes, ma'am.

Q. And before that, about how long were you waiting around for somebody to come over so you can hit a lick?

A. About a hour and a half.

Q. And when you're the look-out for someone what, what do you do?

A. Just stand in the way looking for the police or for another customer who come so you can hit you a lick.

Q. Okay. And do you also watch each other's backs?

A. Yes, ma'am.

Q. I'm gonna show you what's marked as Statement Exhibit 1 for Identification. Who is this in this picture?

A. Jovanie.

Q. Okay. And how do you know Vani?

A. I knew him, I grew up with him, know him from the neighborhood.

Q. And how long have you known him?

A. Half way all my life.

Q. Okay. And that night Vani had a gun, is that right?

A. Yes, ma'am.

Q. And what kind of gun -- do you remember kind of what the gun looked like?

A. It was rusty and it was automatic. That's all I know.

Q. Okay. Do you know where Van -- where Vani got that gun?

A. No, ma'am, from -- I just know from one of the other people, peoples in the neighborhood.

Q. And why did he have the gun?

A. Cause at the time, our, our neighborhood, the gangs into it around there.

Q. What gang is in your neighborhood?

A. Double IVL's.

Q. And Double IVL's, is that Insane Imperial Vice Lords?

A. Yes, ma'am.

Q. And who are the people that are coming around giving trouble to the gang in the neighborhood?

A. Traveller's, Foes, BD's, GD's. They call theyself One Way Boys From Out of K-Town though.

Q. So you were waiting for about an hour and a half, and did somebody come up?

A. Yes, ma'am.

Q. And what was -- was the person driving a car?

A. A van, ma'am.

Q. Do you remember what color the van was?

A. No' ma'am. It was dark outside and I was intoxicated.

Q. Okay. Was here somebody in the van?

A. Yes, ma'am.

Q. What did the man look like, could you tell?

A. I ain't never see him really.

Q. Could you tell if, if he was white, black, hispanic?

A. Yeah, he looked like white or hispanic. That's all though.

Q. And when you -- when that van pulled up, where was they standing and where were you standing? Or I'm sorry, where was Vani standing and where were you standing?

A. First we was both standing together by the entrance of the park. And the van pulled down some, about at the ending of the park and I walked off going towards the opposite way towards the alley to watch out.

Q. And what street --

A. And Vani --

Q. I'm sorry.

A. On Ohio and Kil -- in the middle -- on Ohio in the middle of Kilpatrick and Cicero.

Q. That's where you were?

A. Yeah, both of us was on -- all us was on Ohio in the middle of Kilpatrick to Cicero. I walked going towards the alley. He went to the van.

Q. And about how far away were you from the van when you finally stopped?

A. About 10, 15 feet.

Q. Okay. And you said that you were standing kind of by the

alley and by the street?

A. Yeah, yes, ma'am.

Q. Okay. And why were you standing in that area?

A. To watch just in case the police come or if another customer come or just watching, watching out.

Q. Was that a good place to see at all angles where people would be coming from?

A. Yes, ma'am.

Q. Did you see any police at that time?

A. No, ma'am.

Q. And what did you see Vani do?

A. He got in the van. And then I heard a noise so I looked around. They was -- he was like tussling with the man over the money and the gun.

Q. Did you see any police coming at that time?

A. No, ma'am.

Q. And what did you do when you saw Vani tussling with the man?

A. I started going back towards the van.

Q. And why did you start going back toward the van?

A. Just in case he needed -- cause I thought that he was just -- he had the man money already and the man was trying to grab him and get his money back. So I was gonna just try to help.

Q. And when you said, you were gonna try to help, what were you gonna try to do?

A. Try to just grab the man and hold him, pull him off of

him so we both could run.

Q. And you were gonna hold the man just in case Vani didn't have the money, so he could get it?

A. Yes, ma'am.

Q. And when you started running towards the van and then you -- did you stop or did you keep going?

A. I stopped because the door had opened, the man had got out.

Q. What side of the car did the man get out of?

A. The driver side.

Q. Driver side of the van?

A. Yes, ma'am.

Q. What did the man do when he ran out of the van?

A. He got a little, a little bit aways and he dropped.

Q. Why did he drop?

A. He had been shot.

Q. Okay. And who shot him?

A. Jovani.

Q. And what did you do after you saw the man get shot?

A. I was stalling for a minute cause I was stuck and I was scared and then I ran the opposite way.

Q. Did you see any police at that time?

A. No, ma'am.

Q. Did -- what did Vani do with the man after he dropped?

A. I guess he got the money and he ran the opposite way.

Q. And then where did you go?

A. I went home.

Q. And when you went home, did you -- what did you do when you got home, did you stay there all night or did you leave?

A. I seen some of my friends and they -- one of my other friends had just got out of jail and they was going to the club to celebrate. So I went and talked to my sister. By me just getting my license she let me use her car so I can go to the club, to the restaurant.

Q. What kind of car was it?

A. A Ford Taurus.

Q. What color was it?

A. Green.

Q. And did you go -- where did you go after that when you were in the car with your friends?

A. First I went to a restaurant and then I went back around Cicero.

Q. Why did you go back around there?

A. Just to see what was going on.

Q. What was going on back where the man got shot?

A. Through the neighborhood, period.

Q. And what did you see when you got there?

A. I seen police all over Ohio. And when I -- Ohio was blocked off and Erie is a one way so I had to go back towards Huron and come down. And I went towards Huron. When I got around Erie, I seen Jovanie, Tee-Tee, and Shontay and (inaudible) all walking up.

Q. Okay. I'm gonna show you -- and when you saw them -- you saw Vani with them?

A. Yes, ma'am.

Q. And what happened when you saw Vani?

A. He start -- he flagged me down and he got in the car.

Q. And what happened after he got into the car?

A. We went to the club.

Q. What club did you go to?

A. The (inaudible) Factory.

Q. And where is that club?

A. On Lake and St. Louis.

Q. Is there a cover charge to get in there?

A. Yes, ma'am.

Q. And did somebody pay your way in?

A. Jovani paid my way in.

Q. After you were -- about how long were you in the club?

A. About 20, 30 minutes cause it was almost closing time.

Q. And after you left the club, where did you go?

A. Went over, over Bubble house.

Q. Bubble?

A. Yes, ma'am.

Q. Okay. I'm gonna show you what's gonna be marked as Statement Exhibit 2 for Identification. Is that Bubble?

A. Yes, ma'am.

Q. Do you know Bubble's real name?

A. Antwon, ma'am.

Q. Okay. When you went over to Bubble's house, did you see anybody else you knew?

A. Yes, ma'am. Boo-Boo was sleeping in the car behind Bubble car -- house --

Q. I'm gonna show you --

A. -- in the driveway.

Q. I'm gonna show you what's marked as Exhibit 3, Statement Exhibit 3. Who is that in that picture?

A. That's Boo-Boo, ma'am.

Q. Do you know Boo-Boo's real name?

A. No, ma'am.

Q. So you said you saw Boo-Boo sleeping in the car?

A. Yes, ma'am.

Q. Okay. Did you and Vani talk to Boo-Boo?

A. Yes, ma'am.

Q. And did you tell him what happened?

A. Yes, ma'am.

Q. What did you say to Boo-Boo about it?

A. I was -- after Vani left going to the window to go try to get in Bubble house, I had told Boo-Boo, I was like you all bogus for leaving Vani over there without knowing that can't nobody can control him when he's drunk and stuff and high with a gun.

Q. Okay. And did Vani come back?

A. Yes, ma'am.

Q. And what happened when Vani came back?

A. He came back, he got to talking to Boo-Boo and telling

Boo-Boo about it. And then we -- he told Boo-Boo that Boo-Boo fitting to go with us. And we left.

Q. And where did you go?

A. First we went to a gas station then we went back over to Boo-Boo house.

Q. And when you went over to Boo-Boo's house, who was there?

A. Tee-Tee and Shontay and the kids.

Q. Okay. Who is Tee-Tee?

A. Boo-Boo mother.

Q. Who is Shontay?

A. A girl -- just a little neighborhood girl that be over Boo-Boo house. She be living with them.

Q. Okay. What's their address?

A. I don't -- it's the 4600. I don't know the exact address.

Q. On what, what street?

A. On Erie and Kilpatrick.

Q. Okay. And when you got there, did you talk to Shontay?

A. Yes, ma'am.

Q. And what did you talk to Shontay about?

A. On our way coming over there, Jovanie was trying to get me to go and wipe the fingerprints off and I wasn't fitting to go do that. I wasn't fitting to jack myself off. So I tried to trick her to go and do it like he was trying to trick me to go do it.

Q. Wipe the --

A. But she ain't want to go do it.

Q. Okay. Wipe the fingerprints off of what?

A. Off of the van and stuff.

Q. Okay. And why did, why did Vani want to wipe the fingerprints off the van?

A. I guess he ain't -- he had his fingerprints all over.

Q. Okay. And so Shontay wouldn't go, right?

A. Right.

Q. And what happened after that?

A. Then after that she had went back in the house so I had knocked on the door. Then I had asked them to get my sweater so I can go to my grandmother's funeral in the morning.

Q. Did you talk to -- did you talk to, to Vani any more about the fingerprints?

A. No, ma'am.

Q. Okay.

A. He was in they house and I left.

Q. And did you call that house in the morning?

A. Yes, ma'am.

Q. For what?

A. I called there cause I ain't get my sweater that night. I had to get it in the morning and I had -- and Jovanie was supposed to go to my grandmother funeral with me.

Q. Did he go?

A. No, ma'am.

Q. Okay. And did you see Vani again after that day?

A. Like a couple of days later.

Q. And where did you see him a couple of days later?

A. I seen him over there and then he came around my house a couple, about two or three days after that.

Q. He stayed at your house two or three days?

A. No, he stayed over my house for Wednesday and Thursday.

Q. The Wednesday and Thursday after that?

A. That, that following week.

Q. Okay. Have you been treated okay by the police and by me?

A. Yes, ma'am.

Q. Have you had anything to eat while you've been here?

A. Yes, ma'am.

Q. What have you had?

A. A burger and some fries.

Q. Okay. Have you gotten to smoke cigarettes whenever you wanted to?

A. Yes, ma'am.

Q. Have you been able to go to the bathroom whenever you've needed to?

A. Yes, ma'am.

Q. Have any threats or promises been made to you in exchange for this statement?

A. No, ma'am.

Q. And are you under the influence of drugs or alcohol at this time?

A. No, ma'am.

Q. This now concludes the statement of Xavier Walker.